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# WILEY SAYS THAW WAS INSANE WHEN HE KILLED WHITE

Expert for the Defense Tries to Prove Crime Was Act of Lunatic.

INSANITY AS A DEFENSE

District Attorney Jerome Puts the Witness Through a Terrific Cross-Examination.

DEFENDANT DEPENDS ON WIFE

Mrs. William Thaw Will Also Lay Aside Her Pride and Testify to Hereditary Blood Taints

in Her Son.

The first testimony in behalf of Harry K. Thaw, who is on trial in the criminal branch of the New York supreme court for the killing of Stanford White, was heard today, the initial witness being an insanity expert who was called to show that Thaw was insane at the time that he killed the architect. The witness was Charles J. Wylie, superintendent of the Hospital for the Insane at Pittsburg, Pa. Mr. Jerome had an interesting session with the alienist. Dr. Wylie was unwilling at first to admit that he was an expert, said that he laid no claims to extraordinary knowledge, bowed in assent when asked if the members of his profession in Pittsburg considered him an expert in insanity, and finally said that he probably was an expert. Before he got through with his examination Mr. Jerome had asked him many things about his qualifica-

When Mr. Jerome took the witness in hand he went into the individual acts of Thaw immediately surrounding the shooting. Dr. Wylie declared to the district attorney that he based his conclusions as to Thaw's mental condition that night at the place where the killing was done on Thaw's manner before the shooting, on the way he acted after he shot Stanford White, and on Thaw's declaration: "He ruined my wife," made to Brudi, the fireman, and "I saved your life," made to his

NEW YORK, February 5 .- The degun today when Dr. C. C. Wiley, an alientist from Pittsburg, took the stand and testified that in his opinion Thaw was insane the night of the Madison Square Roof Garden tragedy. He based this opinion on the man's actions on the roof garden and the fact that he had witnessed an act by Thaw in a Pittsburg street car which impressed him with the belief that the young man was not of sound mentality.

District Attorney Jerome put the witness through the most severe cross-examination ever heard in a New York court room. The prosecuting officer seemed to have every medical authority at his finger tips. The care with which he had prepared to meet Thaw's plea of insanity was evident in his every question, and at times the witness hesitated in his answers as if completely baffled. Dr. Wiley was still under fire when the luncheon recess was ordered. "Are you nearly through?" inquired

Justice Fitzgerald of the district attor-

"No, indeed, your honor," replied Mr. Jerome: "I am just getting interested in

the subject."

## Forging the Links.

The defense began today to forge the links in the chain of circumstances which it is alleged disordered his brain and led to the mental explosion which claimed Stanford White as its victim. The evidence promised to be introduced to bear out the claims set forth in the opening address of Mr. Gleason, Thaw's attorney, to the jury yesterday afternoon has added interest to the trial, and there is an impression that Evelyn Thaw will tell a story the half of which has not heretofore been publicly

It is apparent that the defendant depends upon his wife to turn the tide for him. It will be her wrongs, if there were any, which will impress the jury. Thaw believes she will show that any man placed in the circumstances where he found himself might have lost his mental balance, and acted as he dld. Upon the effect of her story, baring the whole of her past life, the prisoner's fate in large measure rests, though the picture of his white-haired, elderly mother taking the witness stand to save her son from a felon's death is expected to have a weight with the jury which only a man with a venerable mother can appreciate.

Crazy Years Ago.

# Avening S

No. 16,935.

TWO CENTS.

afternoon that Thaw's insanity began to be apparent some three or four years ago. He met Evelyn Nesbit in 1901, so it is to be inferred that his mental disorders had their beginning subsequent to the meeting of the two young people and the attachment Thaw formed for the girl. In this way the defense hopes to build up the theory that Thaw lost his mental polse through worry over the wrongs he felt his wife had suffered at the hands of another. The attempt will be made to prove that Thaw's insanity was due to heredity as well to

Mrs. William Thaw and Evelyn Nesbit Thaw both are expected to be early witnesses. It has been reported several times from Pittsburg that the elder Mrs. Thaw has been urged by persons of influence not to allow the plea of hereditary insanity to be entered in behalf of her son. The sacrifice of the social leader's pride to the mother's love is illustrated by the fact that not only did she consent to the plea of insanity through heredity, but will actually take the stand to offer whatever testimony is within her power to help make this defense insanity effective.

The Woman is Worried.

Evelyn Thaw has been growing paler day by day as the time approaches for her to take the witness stand. She will be at the mercy of a determined prosecutor who realizes the effect the story she will tell the jury may have, and who will leave nothing undone to upset it. Young Mrs. Thaw's life will be as an open book to District Attorney Jerome when he takes her in hand and begins to ply her with questions. His detectives have traced her life from early girlhood. She is now but twenty-three years of age, but has lived the life of thrice those years.

What young Mrs. Thaw has to tell the world when she takes the witness chair she has told to no one but her husband and his lawyers.

The promised interest of today's proceed ings resulted in great pressure being brought to bear on the court officers for the privilege of entering the court room, but Justice Fitzgerald, who is presiding at the trial, has determined to adhere to his rule of excluding the public.

#### Thaw Misses Wife.

Experts on insanity and handwriting witnesses and jurors came to the Thaw trial today muffled to the eyes in great coats and furs. A severe- snow storm, which began early last night, continued today with unabated fury.

The order for the exclusion of all witnesses, which on yesterday drove Mrs. Harry Thaw and Mrs. William Thaw from the court room, remained in force today, with the result that the second row of four chairs just back of the prisoners, which hertofore have been reserved for his family, had been turned over to those whose business gave them the privilege of attending the trial.

Joslah Thaw was the only member of Former Sergeant Harris Questhe defendant's family in court as the rning session began.

Harry Thaw on entering seemed to miss the smile of welcome which each morning in the past his wife had bestowed upon him.

## Dr. Wiley First Witness.

District Attorney Jerome was late in reaching court owing to the storm, and the opening of the session was delayed

Dr. C. C. Wiley of Pittsburg, the Thaws' family physician, and who is connected with the Dixmont Insane Asylum. was called as the first witness for the defense. Dr. Wiley, in response to a question by John B. Gleason of Thaw's counsel, said he devoted much of his life to a study of insanity, and that he had served as an expert in a large number of cases. Quarreled With Conductor. '

Dr. Wiley was asked to state his recolection of an incident in 1905 in which Har-

ry K. Thaw was concerned. "In the summer of 1905," said the witness 'I was a passenger on a street car of the 5th avenue line in Pittsburg when Harry Thaw came in. Without any apparent reason Thaw rushed for one of the blinds to a window, drew up the blind, slammed it down again and then drew it up once more. He had a quarrel with the conductor."

'What was Thaw's manner?" "It was defiant, vague, and his eyes flash ed from right to left in this way."

Dr. Wiley illustrated with his eyes. As an expert and from your personal observation can you say whether his actions were rational or irrational?" "Irrational."

Mr. Gleason here formed a hypothetical question in which he outlined Thaw's act of killing Stanford White on the Madisor Square Roof Garden, and coupled with it the interrogation as to whether the witness could express an opinion of such an act committed by the person he saw in the Pittsburg street car.

The hypothetical question in full was as

"Assuming, sir, that the man that you saw in the street car last summer was proved to you, as an expert, to have attended a roof garden on the 25th day of June, 1906, on the occasion of the opening of a theatrical entertainment which was largely attended, and that on walking out from the theater, with his wife near by him, and apparently in a quiet and orderly manner, that man should turn aside and fire three shots from a revolver into man who was sitting at the table and to whom he did not speak; that this man then held the pistol above his head and walked quietly to the elevator; that he gave up the pistol without resistance and did not make any attempt to escape, and that he said: 'He ruined my wife,' and that immediately thereafter he said to his wife: 'I have probably saved your life;' I ask you, sir, upon your judgment as as expert, whether you are able to give an opinion touching upon the sanity of the man who made that answer?"

"I can," said Dr. Wiley. "Will you express that opinion?"

"I believe that that man-District Attorney Jerome objected.

"You must not state a bellef" said Mr Jerome; "that is not evidence. You must give an opinion.' His Opinion Insanity.

"My opinion," said Dr. Wiley, "is that

the man who committed the act described was suffering from insanity." The witness was asked to define hered-

itary insanity, which he did, but when a question by Mr. Gleason as to the influence of hereditary insanity was asked it was objected to by Mr. Jerome, and the court sustained the objection.

The defense had no further questions, and the witness was turned over to Mr. Jerome for cross-examination

Dr. Wiley said that in hereditary insan ity the common blood would flow through brothers and therefore a cousin, the son of an uncle of the defendant, might follow the same hereditary influence.



tioned by Senators.

SHOOTING AT BROWNSVILLE

Investigation Resumed at the Capitol.

TWENTY WITNESSES WAITING

Mr. Foraker Proposes to Examine Officers and Men on Guard Duty on the Night of August 13.

on military affairs on the alleged "shooting up" of Brownsville, Texas, by members of the 25th Infantry was resumed promptly at 10:30 o'clock this morning. when former Sergt. Israel Harris was again placed on the stand, and was crossexamined by senators on his testimony of yesterday. A large map of the Fort Brown barracks and of the town had been placed upon the walls of the committee room, and was carefully studied by the senators before the business of the day began. The witnesses, whose numbers had grown to twenty, were again corralled in one of the corridors of the Senate, and only one of them allowed to enter the committee room at a time. Some of them have come from as far away as Texas and Oklahoma. The hearing was, begun by Senator Warner's asking the witness in respect to

Early Morning Roll Call. for the drill on the morning of August 14 was the usual time for inspection and that on that morning the captain and sergeant counted the men in addition to did not have trouble, and the witness having them counted off by fours, and plied: the announcement was made that all were present or accounted for. They expected to drill, but they were marched to the wall of the barracks and ranged along the inside of the wall on their knees in order, he supposed, to protect them in case the fort should be fired upon. The wall, he had testified, was about four or four and a half feet high. They were in that position while the roll was called by lamplight. Sergt. Harris said before going to Texas with the 25th Regiment he hesi-tated to re-enlist, and when asked why,

call they were from 100 to 150-feet from the gate. That illustrated the opportunity they had to see who might come in the gate.

Senator Lodge announced that he had sent to the United States observatory and learned that on the morning of August 14 the sun rose at 5:37 o'clock, so that it must have been about 5:45 on that morning when the men were assembled for drill, according to the statement of the witness.

In reply to a question by Senator Foraker, Sergt. Harris said he had never had any trouble in any northern state. He had never been court-martialed.

"Are you acquainted as you sit there with

"Continued on Seventh Posses

"Are you acquainted as you sit there with

"Continued on Seventh Posses

"Continued on Seventh Posses

Senator Foraker: "Any Springfield ri-

vere mixed arms."

and the orders were to keep their eyes to the front. He couldn't look around, but managed to see men standing on the cor-ners of streets with shotguns and Win-

bout that?"

The witness: "I know nothing about such

"I had but very little to say about the matter. I have talked to a number of peo-ple of these same things, but not quite as much as I have said here."

By Senator Foster: "Do you swear you can distinguish a report of a Winchester rifle?" The witness: "That is how it sounded to me. They have a sort of bell sound; they do not sound like a Springfield."

"I paid very close attention."
"Do you swear it was a report of a Winhester?"
"I would not swear, but that is my belief."

By Senator Overman: "From what you saw and heard you don't believe any of your men did any firing?"

"I am speaking of my company."

By Senator Warner: "Although that call to arms took place at midnight you natened to hear what kind of guns were being

"I was not scared." "They were firing pretty fast?"

tell that discrent arms were being fired. Some sounded like six-shooters and some like Winchesters. He had heard Winchesters on hunting trips in Montana.

concerned you had no trouble in the

"So far as I was concerned, personally, never had any trouble."

store to buy some clothing and I was treated all right there. I went through

the front door to spend my money."

He said he didn't know any one of his men, upon being discharged at Brownsville, he said, did not re-enlist because they did not care to serve in the south.

## The Alleged Conspiracy.

By Senator Warner: "You said you knew of no conspiracy of silence and you never heard this affair talked of.' "I never heard the matter referred to ex

cept some one would say: 'I wonder what will be done about it.' That is all." T. ; witness' replies about not hearing the matter talked of, appearing to cover the discussion involved in the investigation by the officers of the company, Mr. Foraker in-

terceded.
"I don't want the witness taken off his

tomorrow morning, when First Sergt. Jacob Frazier, who counted the men in Company D on the morning of the 14th of August, will be called. It was stated that officers

will be called. It was stated that officers of the companies involved in the inquiry will be called after the present court-martitl proceedings have ended.

Mr. Foraker announced that he wanted to examine all the officers, both co.nmissioned and non-commissioned, and the men on guard duty that night. Senator Pettus protested against taking testimony that has already been taken, but Mr. Foraker said the witnesses had never been examined as he wanted to examine them.

ecial Dispatch to The Star. ANNAPOLIS, Md., February 5.-Midship-

man Webster A. Capron of Fort Myer, Va., left the Naval Academy this morning for more than the usual number of reasons. It is stated that he was descient in two studies, physically disqualified and unsatis-factory in studies. For these reasons his

Constitutionality of Board of **Education Sustained.** 

OPINION BY JUSTICE GOULD

Declares That Trial of F. L. Cardozo May Proceed.

RULE TO SHOW CAUSE SET ASIDE

Text of Opinion Given by Court in Declining to Sign Restrain-

ing Order.

Fully sustaining the constitutionality of the board of education as it exists at the present, and affirming its power to pro ceed with the trial of the case, Justice Gould, sitting in Equity Court No. 2 today. dismissed the rule to show cause, and refused to sign the temporary restraining order, as prayed for by Francis L. Cardozo, supervising principal, against the board of

Apswering a contention by counsel for Cardozo that he had been put to great expense already to collect his salary and to maintain his position, the court said: "It seems to me that you have gone to great expense to compel the board of education to grant trial of your case, and now you come forward with the declaration that there is no board to sit in judg-ment or give trial."

Justice Gould's Opinion.

In announcing his finding in the case Justice Gould said, in part: sponsible for the creation of this board of education, I approach a decision concerning the legality of its acts and of its right to be continued in power with modesty. At the time the board was chosen I gave due consideration to the constitutionality of the act of Congress by which its creation was authorized, and if I had believed there was authorized, and if I had believed there was any doubt as to the power of Congress to place the appointing power in the Supreme Court of the District I would never have been a party to the selection of the members of the board.

"I have listened to the arguments of coursel for the plaintiff and I coursel for the plaintiff.

counsel for the plaintiff, and I cannot see that precedent has been offered to show why this court should step in and declare that certain action shall not be taken by the board of education when there is nothing to show that the board contemplates such a course.

"I regard the question of the constitu-tionality of the act creating the board of education as fully settled" (and Justice Gould cited a precedent which vested the appointment of a board of elections in a circuit court—which legislative enactment was subsequently upheld by the highest

was subsequently upheld by the highest courts).

"It is not incongruous for the judges of the Supreme Court of the District of Columbia, who are appointed practically for life and who are under obligation to no one or no thing, to appoint this body of men who serve as the board of education without pay and animated by no desire save that of furtherance of the public weal. This District has had many different forms of government, and the powers now conferred upon the three Commissioners are both executive and judicial. This is an added reason why I feel satisfied concerining the constitutionality of our selection of the board of education.

Second Specification.

Second Specification. "With reference to the second charge or

equired of boards or clubs that they hold

why the question of equity jurisdiction over this case in its present status arose. The plaintiff, if he is removed from his position, has ample remedy in a number of ways. If the board is not legally constituted then he has recourse to mandamus proceedings to be restored. "For the reasons I have stated," Justice Gould concluded, "I will discharge the rule to show cause and will refuse to sign the temporary restraining order."

temporary restraining order.

Arguments of Counsel. When the Cardozo case, continued from yesterday in Equity Court No. 2, was again called before Justice Gould this morning, Attorneys Henry F. Davis and James A. Cobb were present to present the arguments for the plaintiff, and Attorney Stuart McNamara was prepared to combat the allegation of the jurisdiction of the Equity Court in the premises. Messrs. George F. Oyster and W. V. Cox, members of the board of education, were interested isteners during the presentation of the

Taking up the question of the uncertainty of injustice not being done to Cardozo if the court should not take cognizance of the case, which was raised in the course of yesterday's proceedings by Justice Gould, Attorney Davis in his opening remarks cited a precedent from the court records of Hudson county, New Jersey, in which it was shown that a court of equity took jurisdiction in a case where the probability of injury to the plaintiff was only problematical.

He cited a similar case from the records of Connecticut, and then took up a Supreme Court report, where, in an opinion written by Justice Brown, Mr. Davis declared, it is shown that the court took cognizance not only of an anticipated defense, but of an anticipated suit.

Cites Case in Point.

Attorney James A. Cobb, also representng Cardozo, spoke of a municipality in Iowa in which the power of the court to appoint a water works commission was succesfully attacked, and he further argued that the Supreme Court of the District is not necessarily restricted to precedent "on all fours" in preparing its finding in the

all fours" in preparing its finding in the case at issue.

Notice of an appeal was filed by Attorney Davis in behalf of Cardozo.

Justice Gould and Attorney Davis engaged in an extended colloquy regarding the points of law involved before the court stated the importance of promptly deciding the case and followed this with an opinion in which the plaintif's case was dismissed.

"We are only asking your honor to do in in which the plaintiff's case was dismissed.

"We are only asking your honor to do in advance what will be necessary to do after the board has acted if they dismiss Cardozo under the leading case on this question."

Mr. Cobb concluded. "The reason for this asking is to prevent a multiplicity of suits and to save the complainant great expense."

Admiral Baird Gratified. When told of the decision of the court ustaining the constitutionality of the board of education, Admiral Baird, president of

the board, expressed considerable gratifica-"I am very glad to hear it," he said. "As "I am very glad to hear it," he said. "As soon as I have communicated with Attorney Davis and found out when he can conveniently proceed with the trial I will call a meeting of the board for the purpose. We merely discontinued the hearing out of courtesy to the court, and now that we have been sustained we will not hesitate any longer, even though an appeal is taken to

been sustained we will not hesitate any longer, even though an appeal is taken to a higher tribunal."

An effort made today to obtain from Superintendent Chancellor an expression of his views of the status of affairs under the court's ruling proved unavailing.

Mr. Davis' Argument. Mr. Davis, continuing his argument after

The Star's report closed yesterday, urged that if Congress has the right to confer extra-judicial powers on the judges of the District Supreme Court it may authorize them to appoint policemen, and if given one function of an administrative character there would be nothing to prevent Con-

gress giving them all the functions of District government. No one would contend, Mr. Davis said, that it is within the power of Congress to invest the full power of government in the court, because the court would be placed in the position of legislat-

would be placed in the position of legislating, passing on its own laws, making appointments and sitting in judgment on those appointees and their acts.

Mr. Davis claimed there was no multifariousness in the bill, as alleged by the answer of the board of education. The bill had only a double aspect, he contended. It claimed that the board members were not the officers they claimed to be and had no power to conduct the trial, or if they were the proper officers and have if they were the proper officers and have the power they are proceeding in a wrong

manner.
The charge on which it is attempted to try Cardozo, Mr. Davis stated, embraces an offense unknown to the law. There is no such thing known to the law, he said, as conduct unbecoming a supervising prin-

Justice Gould interrupted counsel to inquire if a supervising principal's duties were not defined, or if he might not have duties which are not defined. Could he not be dismissed for violating these undefined duties as a person might be expelled from a club, the justice asked, for conduct unhecoming a gentleman

becoming a gentleman.

Mr. Davis acknowledged that such conduct could be punished as prejudicial to the general conduct of the schools, such, for instance, as drunkenness. The rules, Mr. Davis facetiously remarked, forbid a supervising principal to use tobacco, but they are allowed to drink.

No Violation of Rules.

Continuing his argument, Mr. Davis insisted that writing an anonymous letter or libeling a school teacher is no violation of any of the rules alleged in the specifications to have been broken by Cardozo. He read rules 60, 62, 65, 22 and 29 separately, and declared that no one of them had been violated by his client. Even if the board is properly constituted and has the right to try Cardozo, Mr. Davis submitted, where the petitioner has been

mitted, where the petitioner has been charged with matter showing no offense, according to the specifications, he should not be put in the position of losing his position by a trial.

Justice Gould having expressed a doubt as to the right of a court of equity to take jurisdiction of the case, Mr. Davis contended that equity should intervene, since there lies no appeal from the decision of the board, nor is a writ of certiorari provided by which its action could be reviewed, and as the petitioner is threatened with loss of character and the profits of his position.

"Can I assume the verdict of the board will be against your client?" the court asked.

"I do not want you to," Mr. Davis responded. "I say they have no right to try the case. There is no other remedy than by equity proceedings."

Justice Gould then inquired if. Mr. Davis was prepared to cite authorities to show that a court of equity had ever taken jurisdiction of a similar case; if so he desired to hear it.

"This is a serious matter to the community," Justice Gould remarked, "and I must be advised of the clear right of a court of equity, whose remedy is drastic, to intervene."

Mr. Davis was of opinion that he could

to intervene."

Mr. Davis was of opinion that he could furnish authorities, and the court was adjourned until this morning to allow him to look up the case.

Pistol Battle With Thieves. SHELBYVILLE, Ind., February 5 .- After

desperate pistol fight last evening with gang of four alleged thieves the police of this city captured all of them at Acton. More than one hundred shots were fired and one man was wounded. The prisoners belong to an organization, it is said, which had preyed upon surrounding towns in Shelby and Rush counties for months. Six dry goods boxes of articles believed to have been stolen by the men were found at Ac-

## Weather.

Cloudy tonight, minimum about 15 degrees; tomorrow. partly cloudy, light winds.

## MANTLE OF WHITE COVERS WIDE AREA

Storm, Sweeping Up Coast, Paralyzing to Traffic.

BLIZZARD IN PHILADELPHIA

New England Swept and Navigation at Standstill.

KING HAS FULL SWAY

New York Held Fast for Twenty-Four Mours-Heavy Fall in Massachusetts and Connecticut.

The worst snowstorm of the winter is sweeping over Philadelphia, New York and the New England states. Railroad traffic is seriously hampered, and vessels in port dare not put to sea. The storm is especially severe on the coast of Massachusetts, and practically the whole state of Connecticut is snowbound. In the northwest the temperature continues far below zero. From North Dakota come reports of peo-

ple perishing from the cold. PHILADELPHIA, Pa., February 5 .- The snow which began in this vicinity early Monday morning has developed into a genuine blizzard, the worst since February. 1899. More than twelve inches of snow has fallen and the high wind has drifted it in places to a depth of three or four feet. The storm has seriously interfered with all kinds of transportation. Through trains from the north, south and west are as much as three hours late, and suburban schedules on the steam roads are badly disarranged.

Not one train has arrived here on time, and most of the outbound trains are late in leaving the stations. In many parts of the surrounding country the snow drifted so badly that no attempt was made to trains on the schedules, and consequently many were abandoned or combined with other, trains. Street car traffic within the limits of the city is open, but very slow and

Navigation Tied Up.

Because of the heavy weather navigation on the Delaware river, with the exception of ferry boats, is practically at a standstill. A number of vessels bound to or from coast or European ports are stormbound in the river between here and the sea. The steamer Noordland, from Liverpool for this port, which passed in the Delaware capes at 7 a.m. yesterday, is anchored at Reedy Island, Del., fifty miles south of this city. Reports from eastern Pennsylvania, Delaware and southern New Jersey are to the effect that the storm is the worst in eight

freight traffic is almost at a standstill. Electric service is either tied up or very irregular in many places. The fall of snow in the mountains of eastern Pennsylvania during the last twenty-four hours has reached a depth of eighteen inches. At noon the railroad situation had not improved. The second section of Pennsylvania train 80, from the south, which was due at 7:08 o'clock, had not reached Jersey

City, and was not expected for several

years. In many places the snow has

drifted so badly that country roads are

impassable, steam trains are late and

hours. Through trains were on an average three hours behind time. Heavy Fall in New York.

NEW YORK, February 5 .- For more than twenty-four hours New York has been fast in the grip of a northeast snow storm. Ten inches of snow fell in the twenty-four hours ending at 8 a.m. today, equaling but not exceeding the amount within any similar period for several years. In Broadway and all the avenues and cross streets containing surface car lines the snow was piled six feet high between the car tracks and the sidewalks, but by hard work with snow plows and shovels most of the surface lines were kept in operation, though at a snail's pace. Most of the elevated lines in Manhattan were run on their usual schedules this morning, but the lines of the Brooklyn Rapid Transit Company in the remote sections of Brooklyn were badly delayed.

Through trains and suburban locals on nearly all the railroads running into New York suffered severely from the snow. Although schedules were badly disarranged the trains were forced through the drifts, arriving at their terminals in New York and Jersey City from fifteen minutes to an hour or more behind the time.

Tracks Snowed Under. The snow was driven by a strong wind which in the suburban districts, piled the snow into big drifts which quickly drifted to the tracks again after the snow plow

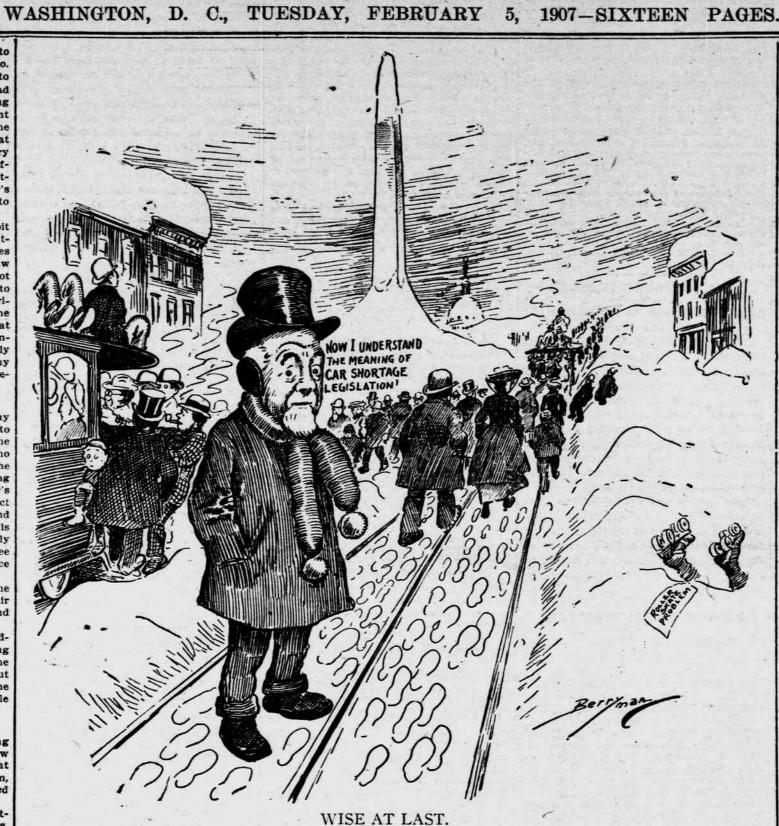
had cleared a way for the trains. The roof of the New York Central railroad's round house on the Bronx side of the Harlem river, near 161st street, was crushed in by the weight of snow early today, and two men who were at work within

were injured. An army of snow shovelers estimated at 5,000 men was put at work on the streets early today. Although the heavy snowfall continued this forenoon traffic conditions gradually improved in the main thorough-

NEW ENGLANDSHIVERS

MASSACHUSETTS AND CONNECTI-CUT IN STORM'S GRASP.

BOSTON, Mass., February 5.—The traffic of Greater Boston was seriously hampered by the storm which developed last night and grew in strength during the early ing, bringing with it the heaviest



The hearing by the Senate committee

his testimony of yesterday. He explained more fully that the time

"The people down in that section had use for a soldier." Speaking of the trouble at Brownsville, he said he heard some of the men say they could not get a drink in the saloons. They said the saloonmen stated they would prepare to give liquor to the colored soldiers in

Didn't Hear Springfield Rifles. Senator Foraker: "Can you tell what kind of arms are used from the report?" The witness: "From the reports there

Senator Foraker: "It has been charged that there was a conspiracy of silence among the men, and that they would not talk about this matter. What do you say

"Did you have any hesitation in talking about it?"

'You paid special attention to the sound?"

By Senator Warren: "Why did you pay particular attention to hear what kind of arms were being fired?"
"To hear whether I could distinguish a Springfield, to see if any of our men were

"No, I do not believe it."
"Nor that men of any of the companies

The witness then repeated that he could

Treatment in the South. By Senator Overman-"So far as you were

"If the others had behaved themselves they would have been treated all right, "I didn't go to these places. Some of the men thought 'Here are public places' and that they had a right to go to them. For myself I am a different man. I say if a person does not want me in his place I do not go. Down in Texas I went in but one

the town every day." Senator Taliaferro asked how it was he "I didn't go around much. I like to go to

a few days.

"They said they would let them come to the back door, but the men didn't want to go there," said the witness. "They said that was an outrage."

While the soldlers were ranged along the wall on their knees having the roll call they were from 100 to 150 feet from the carry. That illustrated the approximate the men in Company.

Midshipman Capron Resigns.

"Of course, being one of the parties re-

pecification I would only say that is is no

so strictly to the letter of the law when t comes to the preparation of charges against any person or member. It is only necessary that the charges and allegations es est out with sufficient clearness to be rully understood by the defendant."

Summing up finally, Justice Gould de-